

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MITCHELL BROWN,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION No. 08-924
)	Judge Nora Barry Fischer
)	Magistrate Judge Bissoon
WARDEN WILLIAM SHOUPPE, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Mitchell Brown's ("Brown" or "Plaintiff") Complaint filed pursuant to 42 U.S.C. §1983 was submitted along with a petition to proceed in forma pauperis on July 2, 2008, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The matter has since been referred to Magistrate Judge Cathy Bissoon.

The Magistrate Judge's Report, filed on July 22, 2008, recommended that the action be dismissed without prejudice due to the Plaintiff's failure to either pay the filing fee, or provide a proper documentation for his in forma pauperis status. The parties were allowed ten days from the date of service to file objections. Service was made on Plaintiff by First Class United States Mail at his place of incarceration, the Beaver County Jail. The Plaintiff's objections were due on or before August 7, 2008. None have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 14th day of August, 2008,

IT IS HEREBY ORDERED that this action is DISMISSED WITHOUT PREJUDICE.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 3), dated July 22, 2008, is adopted as the opinion of the court.

s/Nora Barry Fischer
Nora Barry Fischer
United States District Court Judge

CC:
MITCHELL BROWN
Beaver County Jail
6000 Woodlawn Boulevard
Aiquippa, PA 15001